and removed from the garment altogether. The resulting absorbent garments have refastenable side seams and can be easily fitted to and removed from a wearer without complete removal of a wearer's clothing.

Amendment to the Specification

The specification has been amended to add further details to the Summary consistent with the scope of the Claims.

Amendment to the Claims

Applicants have amended Claims 1, 21, and 34 to clarify that the side panels are not "straps" that fit about a wearer's waist or upper hip area, but instead extend from a waist opening down to a leg opening, thus having an average length dimension measured parallel to a longitudinal axis (48) that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis (48), as illustrated in Figs. 2-7. Support for this amendment is found on page 29, lines 9-13, of the specification.

Amendment to the Drawings

Figs. 1 and 8 have been amended to show dashed lines extending from element numbers 53 and 58. Fig. 2 has been amended to eliminate element number 66. Marked up versions of Figs. 1, 2, and 8, showing the changes in red, are attached.

Claim Rejections - 35 USC §102

A. Datta '968

The rejection of Claims 1-4, 6-12, 14-19, 21, 23, 25, 27, 29, and 34-37 under 35 USC §102(b) as being anticipated by Datta et al. (U.S. Patent No. 5,722,968, hereinafter "Datta '968") is respectfully traversed.

Datta '968 discloses a fastening system for absorbent articles that includes a pair of strap members that connect a front waist region of a garment to a back waist region of the garment. The strap members are straps, as opposed to side panels. More particularly, the strap members are described as generally rectangular strips of material, preferably having a longer length dimension of from about 6 inches to about 16 inches and a smaller width dimension of from about 0.5 inch to about 2 inches.

For a reference to anticipate a claim, the reference must teach each and every element or limitation of the claim. Datta '968 does not teach each and every element or limitation of amended Claims 1, 21, and 34. Applicants' invention as claimed in amended independent Claims 1, 21, and 34 requires each of the first and second side panels to have an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

As can be seen in Fig. 1 of Datta '968, the strap members have a length parallel to a longitudinal axis (i.e., width) that is far less than 20 percent of an overall length dimension of the garment. Furthermore, the strap members do not extend from the waist opening to a leg opening, but instead are located only in the waist or upper hip region. With the strap members of Datta '968 having a maximum width (i.e., length parallel to a longitudinal axis) of about 2 inches, it is unlikely that any type of strap member or side panel having a width/longitudinal length of no more than 2 inches would extend from any wearer's waist opening to a leg opening. Additionally, with the strap members having a maximum width/longitudinal length of 2 inches, the overall length dimension of the garment would have to be 10 inches or shorter for the strap members to be at least 20 percent of the overall length dimension of the garment, which is a very limiting dimension that would be unlikely to be used by anyone skilled in the art following the teachings of Datta '968.

With respect to Claim 12, the Examiner states that "even durable material is "disposable" after one or many uses." However, Applicants would like to direct the Examiner's attention to col. 6, lines 27-28, of Datta '968, wherein the term "disposable" is defined as being disposed of after use and not intended to be washed and reused. This definition is consistent with Applicants' definition of "disposable" provided on page 7, lines 11-14, of the present application. Furthermore, Applicants also provide a definition of "durable" to the effect of referring to articles which are designed to be reused an unlimited number of times for the same purpose (page 7, lines 15-16). Datta '968 teaches the use of disposable materials only, and does not teach or suggest the use of durable material for the formation of strap members or side panels.

For at least the reasons presented above, Applicants respectfully submit that amended Claims 1, 21, and 34, and Claim 12 are not anticipated by Datta '968. Because Claims 2-4, 6-12, and 14-19 depend from Claim 1, Claims 23, 25, 27, and 29 depend from Claim 21, and Claims 35-37 depend from Claim 34, these claims are also not anticipated by Datta '968. Thus, Applicants respectfully request withdrawal of this rejection.

B. Datta '702

The rejection of Claims 1-3, 6-11, 14-21, 23, 25, 27, 29, and 34-37 under 35 USC §102(b) as being anticipated by Datta et al. (U.S. Patent No. 5,476,702, hereinafter "Datta '702") is respectfully traversed.

Similar to Datta '968, Datta '702 also discloses a fastening system for absorbent articles that includes a pair of strap members that connect a front waist region of a garment to a back waist region of the garment. The strap members are straps, as opposed to side panels. More particularly, the strap members are described as generally rectangular strips of material having a length dimension of from about 6 inches to about 16 inches and a width dimension of from about 0.5 inch to about 2 inches.

As mentioned above, for a reference to anticipate a claim, the reference must teach each and every element or limitation of the claim. Datta '702 does not teach each and every element or limitation of amended Claims 1, 21, and 34. Applicants' invention as claimed in amended independent Claims 1, 21, and 34 requires each of the first and second side panels to have an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

As can be seen in Fig. 1 of Datta '702, the strap members have a length parallel to a longitudinal axis (i.e., width) that is far less than 20 percent of an overall length dimension of the garment. Furthermore, the strap members do not extend from the waist opening to a leg opening, but instead are located only in the waist or upper hip region. With the strap members of Datta '702 having a maximum width (i.e., length parallel to a longitudinal axis) of about 2 inches, it is unlikely that any type of strap member or side panel having a width/longitudinal length of no more than 2

inches would extend from any wearer's waist opening to a leg opening. Additionally, with the strap members having a maximum width/longitudinal length of 2 inches, the overall length dimension of the garment would have to be 10 inches or shorter for the strap members to be at least 20 percent of the overall length dimension of the garment, which is a very limiting dimension that would be unlikely to be used by anyone skilled in the art following the teachings of Datta '702.

For at least the reasons presented above, Applicants respectfully submit that amended Claims 1, 21, and 34 are not anticipated by Datta '702. Because Claims 2-3, 6-11, and 14-20 depend from Claim 1, Claims 23, 25, 27, and 29 depend from Claim 21, and Claims 35-37 depend from Claim 34, these claims are also not anticipated by Datta '702. Thus, Applicants respectfully request withdrawal of this rejection.

C. Kuen '162

The rejection of Claims 1, 5, 21, 30, 34, 38, and 39 under 35 USC §102(b) as being anticipated by Kuen (U.S. Patent No. 5,304,162, hereinafter "Kuen '162") is respectfully traversed.

Similar to Datta '968 and Datta '702, Kuen '162 also discloses a fastening system for absorbent articles that includes a pair of strap members that connect a front waist region of a garment to a back waist region of the garment. The strap members are straps, as opposed to side panels. More particularly, pleated regions of the strap members, which constitute the portion of the straps between the strap ends, are described as rectangular in shape, with a width of from about 0.5 to about 3 inches and an overall length of from about 4 to about 18 inches.

As mentioned above, for a reference to anticipate a claim, the reference must teach each and every element or limitation of the claim. Kuen '162 does not teach each and every element or limitation of amended Claims 1, 21, and 34. Applicants' invention as claimed in amended independent Claims 1, 21, and 34 requires each of the first and second side panels to have an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

As can be seen in Fig. 1 of Kuen '162, the strap members have a length parallel to a longitudinal axis (i.e., width) that is far less than 20 percent of an overall length dimension of the garment. Furthermore, the strap members do not extend from the waist opening to a leg opening, but instead are located only in the waist or upper hip region. With the strap members of Kuen '162 having a maximum width (i.e., length parallel to a longitudinal axis) of about 3 inches, the overall length dimension of the garment would have to be 15 inches or shorter for the strap members to be at least 20 percent of the overall length dimension of the garment, which is a very limiting dimension that would be unlikely to be used by anyone skilled in the art following the teachings of Kuen '162.

With respect to Claims 5 and 38, the Examiner states that "cotton is inherently absorbent and thereby inherently would function as a wipe, and thus includes wipe material." Applicants direct the Examiner's attention to page 31, lines 6-9, of the present application, wherein the concept of side panels including wipe material is described. More particularly, the wipe material referred to in the application is equivalent to the type of material used to make commercially available absorbent wipes, which includes a substrate treated to render the material moist. A person skilled in the art would recognize "wipe material" as being more than simply a sheet of cotton. Thus, Kuen '162 fails to teach or suggest the use of side panels that include wipe material.

For at least the reasons presented above, Applicants respectfully submit that amended Claims 1, 21, and 34, and Claims 5 and 38 are not anticipated by Kuen '162. Because Claim 5 depends from Claim 1, Claim 30 depends from Claim 21, and Claims 38 and 39 depend from Claim 34, these claims are further not anticipated by Kuen '162. Thus, Applicants respectfully request withdrawal of this rejection.

D. Keuhn, Jr.

The rejection of Claims 1 and 4 under 35 USC §102(b) as being anticipated by Keuhn, Jr. et al. (U.S. Patent No. 5,374,262, hereinafter "Keuhn, Jr.") is respectfully traversed.

Similar to Datta '968, Datta '702, and Kuen '162, Keuhn, Jr. also discloses a fastening system for absorbent articles that includes a pair of strap members that connect a front waist region of a garment to a back waist region of the garment. The strap members are straps, as opposed to side panels. More particularly, the strap members are described as generally rectangular strips of material having a length from about 6 to about 16 inches and a width from about 0.5 to about 1.5 inches.

As mentioned above, for a reference to anticipate a claim, the reference must teach each and every element or limitation of the claim. Keuhn, Jr. does not teach each and every element or limitation of amended Claim 1. Applicants' invention as claimed in amended independent Claim 1 requires each of the first and second side panels to have an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

As can be seen in Figs. 1, 6, and 7 of Keuhn, Jr., the strap members have a length parallel to a longitudinal axis (i.e., width) that is far less than 20 percent of an overall length dimension of the garment. Furthermore, the strap members do not extend from the waist opening to a leg opening, but instead are located only in the waist or upper hip region. With the strap members of Keuhn, Jr. having a maximum width (i.e., length parallel to a longitudinal axis) of about 1.5 inches, the overall length dimension of the garment would have to be 7.5 inches or shorter for the strap members to be at least 20 percent of the overall length dimension of the garment, which is a very limiting dimension that would be unlikely to be used by anyone skilled in the art following the teachings of Keuhn, Jr.

For at least the reasons presented above, Applicants respectfully submit that amended Claim 1 is not anticipated by Keuhn, Jr. Because Claim 4 depends from Claim 1, Claim 4 is also not anticipated by Keuhn, Jr. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 USC §103

The rejection of Claims 13, 31-33, and 40 under 35 USC §103(a) as being unpatentable over Datta '968 in view of Yeo (U.S. Patent No. 5,509,913) and Wallach (U.S. Patent No. 4,944,734) is respectfully traversed.

Claims 13, 31-33, and 40 are each directed to flushable parts of the chassis of the garment of the invention. Yeo and Wallach each teach flushable or biodegradable compositions, with Wallach teaching the use of such materials in absorbent garments. However, neither Datta '968, Yeo, nor Wallach teaches or suggests the structure of Applicants' claimed garment. More particularly, neither Datta '968, Yeo, nor Wallach teaches or suggests a garment having removable side panels that extend from a waist opening to a leg opening with an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis. Therefore, the combined teachings of Datta '968, Yeo, and Wallach fail to teach or suggest a garment having flushable chassis elements in combination with releasably connected side panels having an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

For at least the reasons given above, Applicants respectfully submit that the teachings of Datta '968 in view of Yeo and Wallach fail to teach or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of Claims 22, 24, 26, and 28 under 35 USC §103(a) as being unpatentable over Datta '968 or Datta '702 in view of Ygge et al. (U.S. Patent No. 5,549,593, hereinafter "Ygge") is respectfully traversed.

Claims 22, 24, 26, and 28 are each directed to absorbent garments having a fastening material on an inner surface of the chassis and a mating fastening material on an outer surface of the releasably attached side panels. Ygge shows an absorbent garment having fastening material on either an inner surface or an outer surface with a corresponding waist belt having mating fastening material on either an inner surface or an outer surface. However, neither Datta '968, Datta '702, nor Ygge teaches or suggests the structure of Applicants' claimed garment. More particularly, neither Datta '968, Datta '702, nor Ygge teaches or suggests a garment having removable side panels that extend from a waist opening to a leg opening with an average length dimension measured parallel to a longitudinal axis that is at least 20

percent of an overall length dimension of the chassis measured parallel to the longitudinal axis. Therefore, the combined teachings of Datta '968, Datta '702, and Ygge fail to teach or suggest a garment having a fastening material on an inner surface of a chassis and a mating fastening material on an outer surface of a pair of releasably attached side panels wherein the side panels have an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

For at least the reasons given above, Applicants respectfully submit that the teachings of Datta '968 and Datta '702 in view of Ygge fail to teach or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,

Melanie I. Rauch
Reg. No. 40,924

Pauley Petersen Kinne & Erickson
2800 W. Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
847/490-1400
FAX 847/490-1403

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) An absorbent garment comprising:

a chassis including a front panel and a back panel;

first and second side panels, each having an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis, each of the side panels being releasably connected to the front and back panels, and defining with the chassis a waist opening and first and second leg openings;

wherein the first side panel includes first and second fastening components, the second side panel includes third and fourth fastening components, the front panel includes first and third mating fastening components engageable with the first and third fastening components, and the back panel includes second and fourth mating fastening components engageable with the second and fourth fastening components.

21. (Amended) An absorbent garment comprising:

an absorbent chassis including a front panel and a back panel;

first and second elastomeric side panels releasably connected to the front and back panels and defining with the chassis a waist opening and first and second leg openings, each of the fist and second side panels having an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis;

a first refastenable seam extending from the waist opening to the first leg opening between the first side panel and the front panel;

a second refastenable seam extending from the waist opening to the first leg opening between the first side panel and the back panel;

a third refastenable seam extending from the waist opening to the second leg opening between the second side panel and the front panel; and

a fourth refastenable seam extending from the waist opening to the

second leg opening between the second side panel and the back panel.

34. (Amended) An absorbent garment comprising:

a chassis including a front panel and a back panel, the front and back panels each having at least two fastening components bonded thereon, and partially defining a waist opening and first and second leg openings;

a first side panel including a substrate and at least two mating fastening components extending from the waist opening to the first leg opening, at least one of the mating fastening components releasably connected to at least one of the fastening components on one of the front and back panels; and

a second side panel including a substrate and at least two mating fastening components extending from the waist opening to the second leg opening, at least one of the mating fastening components releasably connected to at least one of the fastening components on one of the front and back panels; wherein each of the first and second side panels has an average length dimension measured parallel to a longitudinal axis that is at least 20 percent of an overall length dimension of the chassis measured parallel to the longitudinal axis.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

At page 3, line 15 – page 4, line 3:

The refastenable side seams extend from a waist opening to each of two leg openings, attaching a front panel to the side panels, and attaching a back panel to the side panels. Each of the refastenable side seams includes a fastening component and a mating fastening component, each of which suitably includes either a hook material or a loop material, which may be attached to either an inner or outer surface of either the chassis or each of the side panels adjacent an edge of either the chassis or each of the side panels. Alternatively, an outer cover of the chassis may function as a loop material. More particularly, a first side panel includes first and second fastening components, a second side panel includes third and fourth fastening components, the front panel includes first and third mating fastening components engageable with the first and third fastening components, and the back panel includes second and fourth mating fastening components engageable with the second and fourth fastening components.

At page 4, lines 12-15:

Alternative embodiments of the invention include an elastomeric chassis with removable non-elastomeric side panels; an elastomeric chassis with removable elastomeric side panels; [and] either an elastomeric or a non-elastomeric chassis with removable side panels that are partially elastomeric; side panels that include wipe material; a disposable chassis; either disposable or durable side panels; a chassis including a flushable outer cover, a flushable body side liner, and/or a flushable absorbent assembly; side panels made up ~~of~~ of two or more pieces bonded together, such as one or more elastomeric pieces bonded to one or more non-elastomeric pieces; and/or side panels that include a tearable, non-refastenable seam. The absorbent garment may be any of a variety of types of absorbent garments, such as a diaper, a child's training pants, an adult incontinence garment, or swimwear.